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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,310	02/24/2004	Franz Ehrenleitner	031240	2309

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EXAMINER

MAYEKAR, KISHOR

ART UNIT	PAPER NUMBER
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1753

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/708,310

Applicant(s)

EHRENLEITNER, FRANZ

Examiner

Kishor Mayekar

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because its longer 150 words.

Correction is required. See MPEP § 608.01(b).

2. Claim 1 is objected to because of the following informalities: the phrase "so as" (two occurrences) do not add any limitation to the claim. It is preferred to delete the phrase. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrases "in particular" (two occurrences) and "especially" render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). The recitation "a

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second transport carriage is assigned to each transport carriage" is confusing to its correlation with the identical recitation "at least one transport carriage" since the claim has recited that a conveying means comprising at least one transporting carriage. The recitation "the pair of two transport carriages" is confusing because the claim has recited at least one carriage and a second carriage and their correlations. Also the recitation "the pair of two transport carriages comprises the following six degrees of freedom of motion" is confusing since the recited degrees are not structure of the pair. The recitation "translational movement of first transport carriage" is lacking antecedent basis for the first transport carriage. The next recitation "translational movement of second transport carriage" is confusing as to the correlation of second transport carriage with the identical recitation. The same is applied to the recitations "swivel arm" (two occurrences), "first transport carriage" (two occurrences), "second transport carriage", (two occurrences) "first pivot axis (two occurrences)", and "second pivot pin" (two occurrences).

In claim 2, the recitation "drives are provided" is confusing as whether the recited drives are the same drives recited in claim 1 or another. And the recitation "one drive" is indefinite to the correlation with the identical recitation ("drives").

In claim 3, the recitation "both transport carriages of a pair" is confusing whether it is the same pair recited in claim 1 or another. If it is the same, the recitation "translational drive" is redundant.

In claim 4, the recitation "one transport carriage of a pair" is confusing whether it is the same pair recited in claim 1 or another. If it is the same, the recitation "translational drive" is redundant. The recitation "the spacing" lacks antecedent basis.

In claim 5, the recitation "the drive which changes the spacing" is confusing to the correlation with the subject matter of claim 4.

In claim 6, the same is applied to claim 4 to the recitation "one transport carriage of the pair". Also, the dependent claim is indefinite from the recitation "all the drives ... arranged on one transport carriage of the pair" when the independent claim 1 recites a pair is for six degrees of freedom of motion.

In claim 7, the recitation "the two transport carriages" lacks antecedent basis or is confusing.

In claim 8, the recitation "a treatment zone" is indefinite as to its correlation with the identical recitation in claim 1. The recitation "one transport carriage of a pair" is confusing whether it is the same pair recited in claim 1 or another. The recitations "the one pole" and "the opposite pole" lack antecedent basis.

Cited References

5. The references cited by the examiner in Form 689, US Pat. No. 6,673,153 B2 and US Pat. No. 6,676,755 B2, are believed to be an English equivalent to the references cited by Applicant in Form 1449 to DE 101 00 377 A1 and DE 201 05 676 U1, respectively.

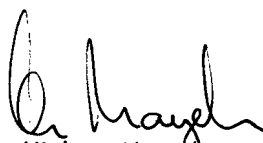
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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kishor Mayekar
Primary Examiner
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